

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE FOR THE TWENTIETH
JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE,
Petitioner,

v.

FIREWORKS SUPERMARKET
TENNESSEE OPERATIONS, INC.,
a Tennessee corporation,

Respondent.

PETITION

Paul G. Summers, Attorney General and Reporter for the State of Tennessee, (hereinafter "Attorney General"), files this Petition pursuant to Tenn. Code Ann. § 47-18-107 of the Tennessee Consumer Protection Act of 1977 (hereinafter "the Act"), and would respectfully show the Court as follows:

1. The Attorney General, acting pursuant to the Act, has investigated certain acts and practices of Fireworks Supermarket — Tennessee Operations, Inc. (hereinafter, "Respondent" or "Fireworks Supermarket"). Upon completion of such investigation, the Attorney General has determined that certain of Respondent's acts and practices, more specifically described in Paragraph 2 of this Petition, constitute unfair and deceptive acts or practices affecting the conduct of trade or commerce in the State of Tennessee in violation of Tenn. Code Ann. § 47-18-101 *et seq.* (the Tennessee Consumer Protection Act). More specifically, Respondent's conduct constitutes violations of Tenn. Code Ann. §§ 47-18-104(a), (b)(5) and (b)(27).

2. Based upon the investigation of Respondent, the Attorney General alleges the following:

(A) Respondent is a Tennessee corporation. Respondent has operated fireworks stores in

various locations in the State of Tennessee including Murfreesboro, Tennessee.

(B) On July 2, 1999, Respondent paid to have published in the Murfreesboro Daily News Journal an advertisement that warned consumers not to visit "our tents" because rainfall and other weather conditions had allegedly made them "unsafe" for consumers to visit.

(C) Respondent's statement was deceptive because Respondent did not actually own or operate any tent locations that were selling fireworks.

(D) Respondent's conduct constitutes unfair and deceptive acts or practices.

3. Respondent denies the allegations of Paragraph 2 (A-D).

4. The Attorney General entered into negotiations with Respondent and the parties have agreed to, and the Division has approved, the attached Assurance of Voluntary Compliance.

5. In accordance with the provisions of Tenn. Code Ann. § 47-18-107(c), the execution, delivery and filing of the Assurance does not constitute an admission of prior violation of the Act.

6. The Division, the Attorney General, and the Respondent, the parties who are primarily interested in the matters set forth in Paragraph 2 hereof, have jointly agreed to the Assurance of Voluntary Compliance and join in its filing.

PREMISES CONSIDERED, Petitioner prays

1. That this Petition be filed without cost bond pursuant to the provisions of Tenn. Code Ann. §§ 20-13-101 and 47-18-116.

2. That the Assurance of Voluntary Compliance be approved and filed in accordance with the provisions of the Tennessee Consumer Protection Act.